

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-5 are pending in the present application. Claims 1-5 are amended by the present amendment.

In the outstanding Office Action, the drawings were objected to; the specification was objected to; Claims 1-5 were objected to; Claim 1 was rejected under 35 U.S.C. § 102(e) as anticipated by Ahmed et al. (U.S. Patent No. 6,631,127 B1, herein "Ahmed"); Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Ahmed in view Miyoshi et al. (U.S. Patent Application Publication No. US 2003/0022629 A1, herein "Miyoshi"); and Claims 2 and 4 were indicated as allowable if rewritten in independent form.

Applicant thanks Examiner Santiago-Cordero and Primary Examiner Young for the courtesy of an interview extended to Applicant's representative on May 26, 2005. During the interview, the differences between the claims and the applied art were discussed. Further, clarifying claim amendments, similar to those presented herewith, were also discussed. The Examiners indicated that the discussed amendments define over Ahmed and a further search would be necessary. Arguments presented during the interview are reiterated below.

Regarding the objection to the drawings, Figure 5 has been amended to show a non-acknowledgement information sent a predetermined number of times at consecutive times, before another non-acknowledgement information is sent. The amendments to Figure 5 find support in original Claim 3 and in the specification at page 6, second full paragraph. No new matter has been added. Accordingly, it is respectfully requested this objection be withdrawn.

Regarding the objection to the specification, the specification has been amended as suggested in the outstanding Office Action without adding new matter. Accordingly, it is respectfully requested this objection be withdrawn.

Regarding the objection to Claims 1-5, Claims 1-5 have been amended as suggested in the outstanding Office Action without adding new matter. Accordingly, it is respectfully requested this objection be withdrawn.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e) as anticipated by Ahmed, independent Claim 1 has been amended to more clearly recite method steps and also to recite “sending in a same subframe the non-acknowledgement information from said receiver back to said transmitter together with information representative of the quality of the transmission channel at a time ... different than said reporting times.” The claim amendments find support in the specification, for example at page 5, lines 18-33. No new matter has been added.

Briefly recapitulating, amended Claim 1 is directed to a method for reporting a quality of a transmission channel between a transmitter and a receiver. The method includes, *inter alia*, sending in a same subframe the non-acknowledgement information from said receiver back to the transmitter together with the information representative of the quality of the transmission channel at a time different than reporting times.

In a non-limiting example, Figure 5 shows the time  $t'$  when both the non-acknowledgement information NACK and the information representative of the quality of the transmission channel CQI are transmitted in the same subframe from the receiver UE to the transmitter (node B).

Turning to the applied art, Ahmed shows in Figure 5 a transmitter 500 and a receiver 508 that receives information from the transmitter 500. The receiver 508 sends an acknowledgement/non-acknowledgment signal through a feedback channel 506 back to the transmitter 500 and also sends a channel condition measurement report to the transmitter 500. However, as discussed and agreed during the interview, Ahmed does not teach or suggest that the acknowledgement/non-acknowledgement data and the channel condition measurement

report data are sent together, in the same subframe, by the receiver to the transmitter, as required by amended Claim 1.

Accordingly, it is respectfully submitted that independent Claim 1 and each of the claims dependent therefrom patentably distinguish over Ahmed.

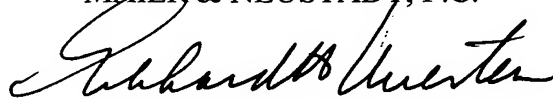
Regarding the rejection of Claim 3 under 35 U.S.C. § 103(a) as unpatentable over Ahmed in view of Miyoshi, that rejection is respectfully traversed for the following reasons.

The outstanding Office Action relies on Miyoshi for teaching a transmission of information representative of a quality of a transmission channel only if a receiver has already sent a non-acknowledgment information a predetermined number of times at consecutive times. However, Miyoshi does not overcome the deficiencies of Ahmed discussed above. In addition, Claim 3 depends from independent Claim 1, which is believed to be allowable as noted above. Accordingly, it is respectfully submitted that dependent Claim 3 is also allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and a favorable action to that effect is respectfully requested.

Respectfully submitted,

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IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 5. This sheet, which includes Fig. 5, replaces the original sheet including Fig. 5.

Attachment: Replacement Sheet